

REMARKS

Historically, infants traveling on commercial aircraft have either been held by an adult or occasionally secured within the type of restraint system designed for use in automobiles. The direct use of lap belts provided by the carrier is not possible because they are not effective in restraining infants in a protective way. Thus, the use of restraints fashioned along the lines of those used in autos has been adopted by some travelers, although these restraints are bulky and difficult to transport into and install on board the aircraft. Additionally, the car-seat type of restraint is a personally purchased item that must be carried onto and removed from the aircraft by the adult accompanying the child.

Contrasted to the inconveniently sized and expensive infant seat restraints heretofore available, the restraint of this invention is constructed of a one-piece shell like body. The shell like body has first and second surfaces to support a child's body, integral support flanges which flare outwardly and upwardly away from the support surfaces and side walls which flare outwardly and downwardly from the support flanges. As shown in the drawings, the flanges 20 have surfaces that provide lateral support extend upwardly and outwardly from the support surfaces at an obtuse angle with respect thereto. Also, the side walls 22, 23 extend outwardly and downwardly from the support flanges, at an acute angle with respect thereto. The combination of an obtuse angle between the support surfaces and the support flanges and an acute angle between the support flanges and the side walls is required in order that the restraint seats can be stored in the fully nested relationship illustrated in Fig. 4 of the drawings. A fully nested condition makes it possible for several units to be carried on an aircraft, where space is a premium.

Claims 1-3 stand rejected under 35 U.S.C. 102(b) on the basis of Burleigh (USPN 6,382,722). The '722 patent has been carefully reviewed, and it is submitted that it fails to either disclose or suggest a structure which is either the structural or functional equivalent of that of applicant. What '722 does disclose is a child safety seat intended for use in vehicles, where it is retained in place by a safety belt. The safety seat comprises a seat portion 12 and a back portion 18 and side walls 14 and 26 which extend outwardly from the seat and seat back at 90° with respect thereto. The specification does not disclose or suggest that there is any intent to be able to stack the seats in a nested condition and the construction shown and described is not capable of being nested. Thus, there can be no space economy accomplished by placing the '722 seat structure one on top of another.

In the rejection, elements (16) of the '722 patent are referred to as being both "support flanges" and "side walls" and to, therefore, be anticipatory of applicant's structure. This characterization is felt to be improper since '722 shows and describes only one structure on the sides of the seat portions. The support flanges and side walls in applicant's structure are two distinct elements of the structure and each performs a distinct function. The support flanges provide lateral support for the child's body while the side walls provide a larger support base and structural rigidity to the child seat. As indicated earlier, all of the component surfaces of the present structure must exist with preselected angular relationships with respect to each other, in order for them to be stored and transported using the smallest amount of space.

The Examiner states in the Action that shells 60 of '722 can be stored in nested relationship. The '722 specification states that shell 60 has construction similar to seat body 10 shown in Figs. 1-7, except that the seat back has two openings that are not found in the first disclosed seats. It is submitted that the representation made in the Action that the structures in

'722 can be placed into nested condition is in error and reconsideration of the rejection is respectfully requested.

Claim 1 of the application has been amended to more clearly define the geometric relationship between the support surfaces, the lateral support flanges and the side walls that must exist to enable the child seats to be fully nested. Technical changes correcting possible informalities have also been made in claim 1, as well as the dependent claims.

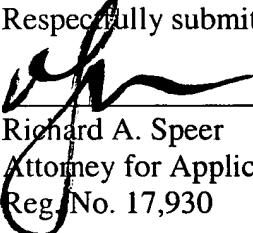
Regarding the rejections of the dependent claims, these claims incorporate all of the limitations set forth in claim 1 and since claim 1 is believed to be patentably distinct over the cited '722 reference, the dependent claims 2-4 should be also allowable.

In view of the amendments to the claims and for the reasons set forth above, it is submitted that the claims define patentable subject matter and reconsideration and formal notice of allowance are respectfully requested.

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